

On July 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10928. Misbranding of Zendejas treatment. U. S. v. 49 Bottles and 79 Bottles of Zendejas Treatment. Tried to the court. Finding for the Government. Decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 15330, 15331. I. S. Nos. 3014-t, 3015-t. S. Nos. C-3165, C-3166.)

On or about August 24, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 126 bottles of Zendejas treatment, remaining in the original packages at San Antonio, Texas, alleging that the article had been shipped by P. Zendejas, Los Angeles, Calif., in part on or about May 24 and in part on or about June 10, 1921, and transported from the State of California into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodide, extracts of plant drugs, including sarsaparilla and a laxative drug, and water, with a trace of formaldehyde.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appeared in the labeling of a portion of the said article, (display poster) "For Impure Blood Take Zendejas Treatment," (display card) "Zendejas Treatment for Diseases caused by Impure Blood," and the following statements appeared in the labeling of the remainder of the said article (blue booklet, English and Spanish) "Zendejas Treatment * * * Cleanser and Regenerator of the Blood, Anti-Reumático * * * Cured by Zendejas Treatment * * * The effectiveness of the Zendejas Treatment has become famous * * * tonic properties of the highest value, giving the blood an important dose of iron and carrying to the nerves a nutrition esteemed and durable * * * Zendejas Treatment has great Depurative Power and is antagonistic to certain germs frequently found in the blood. The effect of these elements scientifically combined is to act on the organisms expelling the germs * * * dyspepsia * * * the prime virtue of the Zendejas Treatment rests upon its excellence as a Depurative, which assists in the elimination of the impurities of the blood, carrying to the blood iron and the necessary elements to make it rich, thus stimulating nutrition of the nervous system and thereby relieving many cases of Anemia, Nervous Weakness, Chronic Catarrh, Tiredness and many other troubles which originate from poor blood and lack of nutrition * * * Rheumatism, Lumbago and Kindred Ailments * * * Impure Blood * * * Seasickness, Strange Palpitations and other symptoms which are sometimes believed to be cardiac affections * * * Rheumatism, Headache, Bad Digestion, General Weakness, Nervous Weakness, Exhaustion, Lack of Appetite, Lack of Sleep and Memory * * * pimples and skin diseases, Fatigue and little desire to do active work, Defective Circulation, Sores, Ulcers, Supuration of the Ears and Eyes, Supurated Tumors, Chronic Catarrhs, etc. * * * health and vigor declining * * * tongue * * * coated * * * bad taste in the mouth * * * tired easily * * * cannot straighten up with ease after you have bent forward for a little while * * * sight * * * obscured frequently * * * fatigue * * * hands and feet cold * * * take cold very easily * * * prone to catarrhs and affections of the respiratory organs * * * weight diminishes * * * glands are inflamed frequently * * * Do not wait for more alarming symptoms before getting treatment * * * If you are suffering the consequences of an impure blood take the Zendejas Treatment. If your blood is weak and poor, tonify it with the Zendejas Treatment, but in any event you would do well to take for a reasonable length of time at least once a year the Zendejas Treatment to purge your blood of harmful bacteria * * * quick relief from the first bottle of Zendejas Treatment * * * continue taking it until you regain your complete health * * * It benefits everyone * * * will bring useful elements to your organism. You Will Never Regret It * * *," which said statements, regarding the curative and therapeutic effect of the said article, were false and fraudulent for the reason that it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 23, 1922, the San Luis Mercantile Co. and C. Villalongin & Co., of San Antonio, Texas, having entered their appearances as claimants for respective portions of the article, and having waived a jury, the case came on for final disposition before the court. After the submission of evidence and arguments by counsel, the court overruled the demurrers to the libels theretofore filed by the claimants, and it was ordered by the court that the product be condemned and forfeited to the use of the Government and that it be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10929. Misbranding of potatoes. U. S. v. Savannah Truckers Exchange, a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 15431. I. S. Nos. 9272-t, 9273-t, 9274-t.)

On December 21, 1921, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Savannah Truckers Exchange, a corporation, Savannah, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 25, 1921, from the State of Georgia into the States of Tennessee, South Carolina, and North Carolina, respectively, of quantities of potatoes, in barrels, which were misbranded. The article was labeled in part: (Barrels) "Red Diamond Brand Savannah Truckers Exchange."

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 23, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10930. Misbranding of Aspironal. U. S. v. 7 Bottles of Aspironal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15726. S. No. E-3677.)

On December 9, 1921, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 dozen bottles of Aspironal, remaining unsold in the original unbroken packages at Roanoke, Va., alleging that the article had been shipped by the Aspironal Laboratories, Inc., Atlanta, Ga., on or about February 7, 1921, and transported from the State of Georgia into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sodium salicylate, camphor, menthol, extracts of plant drugs, including cascara sagrada and belladonna, a small amount of sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements, borne on the labels attached to the boxes containing the said article, regarding the curative and therapeutic effects thereof, to wit, "* * * Colds, Coughs, Influenza, La Grippe * * * Headache, Toothache, Earache, Stomach-ache, Neuralgia, Sciatica * * * Rheumatism * * *," were false and fraudulent in that the said statements purported that the said article was a remedy and cure for headache, toothache, earache, stomachache, neuralgia, sciatica, and rheumatism, whereas, in truth and in fact, it was not.

On February 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10931. Misbranding of cottonseed meal. U. S. v. 130 Sacks of Cottonseed Meal. Product ordered released under bond. (F. & D. No. 15820. I. S. No. 9372-t. S. No. E-3826.)

On March 30, 1922, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 130 sacks of cottonseed meal, remaining in the original unbroken packages at Apalachicola, Fla., alleging that the article had been shipped by the Eufaula Cotton Oil Co., Eufaula, Ala., in part on or about